

ORDINANCE 12-28

AMENDMENT TO ORDINANCE 12-28 OF THE CITY OF WESTFIELD REGARDING THE USE OF FIREWORKS WITHIN THE CITY OF WESTFIELD

WHEREAS, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

WHEREAS, it is the duty and the responsibility of the Council to maintain an orderly and quiet environment for the citizens of the City, and

WHEREAS, the Council has been advised of the recurring inappropriate use of fireworks within the City limits creating unnecessary disturbances of the general public: and,

WHEREAS, after being duly advised in the issues regarding the use of fireworks within the City, now finds that the implementation of the following Ordinance is in the best interests of the citizens of the City of Westfield.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Common Council meeting in session as follows:

- Section 1.** The Council does now prohibit the use of fireworks within the City of Westfield at all times and locations with the exception of the following dates and times:
- (A) Between the hours of 5:00 p.m. and two (2) hours after sunset on Memorial Day weekend (Fri-Mon), June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9; and Labor Day weekend (Fri-Mon).
 - (B) Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
 - (C) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.
 - (D) Any other time and location duly authorized by the City of Westfield by permit to be obtained prior to the scheduled event.

- (E) Use of fireworks is restricted to property owned or authorized for use by the user.
- (F) Fireworks use is not permitted on City owned property, parks, roads, easements or other publicly owned property without specific approval by the Westfield Fire Chief or his designate.
- (G) Nothing in this Ordinance shall prevent the Westfield Fire Chief, or his designate, from preventing the use of fireworks due to weather conditions or any other safety concern.

Section 2.

That the Chief Executive Officer shall administer the provisions of this Ordinance and shall cause the same to be implemented into the Westfield Code of Ordinances. Any violations of this Ordinance shall be punished by a fine of no more than \$500.00 per incident as well as other penalty provided by the Westfield Code of Ordinances.

Section 3.

This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. In the event any portion of this Ordinance is later deemed invalid all remaining portions shall remain in place. All acts taken pursuant to the adoption of this Ordinance are hereby ratified.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____ 2013.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

John Dippel

John Dippel

John Dippel

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 12-28 was delivered to the Mayor of Westfield

on the _____ day of _____, 2013, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 12-28

this _____ day of _____, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-28

this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

This document prepared by
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